



European Law School PhD Workshop - Sovereignty and the European Union

The European Law School PhD Workshop will be held on the 6th and 7th of September at the Dickson Poon School of Law, London, and is co-organized by King's College London and Humboldt-University Berlin.

We invite early career researchers (**last year Master and doctoral students**) in European Union law to come together to discuss contemporary challenges to the various forms of EU sovereignty. In a workshop atmosphere, participants may present their works-in-progress, engage with fellow early career scholars, and get in-depth feedback by established professors specialised in EU Law. The workshop takes place in the broader context of the annual European Law School Summer School.

Topic

European sovereignty is at the core of many contemporary legal and political debates. Popularised by French President Macron, the concept was at the top of the French Council Presidency agenda. However, the concrete meaning of European sovereignty is as multifaceted as its many related terms, such as 'strategic autonomy', and specific forms of sovereignty, like 'digital sovereignty' or 'energy sovereignty', or the term 'autonomy of EU law'. These diverse conceptions of European sovereignty reflect diverging and interrelated visions for the Union's future and its path to get there.

In this workshop, we will discuss those tensions from a legal perspective. On three different panels and in two open workshops, we will discuss both the internal and external dimensions of European sovereignty, bringing together voices from EU public and private law.

Panel 1: Internal Sovereignty: Whose Values?

For decades, EU law scholars have debated the nature of the EU. Is it a (sovereign) federal system, a supranational organization or 'only' a deeply integrated international organization? However, many EU scholars contend that it is neither and that the EU has a legal nature *sui generis*. However, if this claim is to be taken seriously, we must think the EU in distinctive new

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categories, moving beyond the dualism between Member States and the Union and instead analysing the EU as a dynamic and reflexively interdependent entity.

The challenges of this endeavour are particularly evident in the debate over the so-called "European values." Article 2 TEU is marked by this interdependency of the Member State and Union level as it speaks of the founding values of the Union in the first sentence and then defines them as common values of all Member States in the second sentence. This raises questions about the nature and content of such genuine European values. Where do these values come from and how do we determine them? Can they be enforced by the Union as a sovereign against the Member States? Papers relating to this panel may also include questions such as:

- How are the boundaries of the internal sovereignty of Member States negotiated by the courts? And the Commission?
- What is the impact of EU law-making on national legislators? Which dynamics influence receptivity and/or resistance to the European legal process?
- Is the concept of sovereignty even fitting in the reality of a multi-level legal order with pluralist values? How does the concept relate to non-hierarchical adjudicatory mechanisms?
- What are the reflexive dynamics between the production of European values and their impact on national constitutional values?
- What role do narratives play in the production of shared values and where can such narratives be found at the European level?
- To what extent are values used to consolidate sovereignty and to what extent is sovereignty used to entrench values?
- What types and variations of sovereignty exist in the EU? What is the impact of real or perceived regional sovereignties?

Panel 2: External Sovereignty: Europeanisation at the Cost of Exclusion?

Recent events like Russia's full-scale invasion of Ukraine, the climate crisis, rising geopolitical tensions between the United States and the People's Republic of China and the ongoing and unresolved humanitarian crises at the Union's borders fundamentally challenged the EU's external dimension. In particular, the Union, through its Common Foreign and Security Policy, struggles to find its role in European and international politics. This panel will seek to discuss the various trade-offs and effects of European sovereignty on the global stage. Papers may include and are not limited to issues relating to:

- How does European Migration Law contribute to creating a European community? On what normative and political grounds is this community based?

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- In which way does the assertion of European sovereignty through common migration policies, impact the community within the Union? Is exclusion towards the outside a tool of integration on the inside? Or do exclusionary policies influence the European community as well?
- What are the consequences of measures which consolidate European sovereignty? Who do those measures include? Are they prone to enable international cooperation and partnerships? And who do those measures exclude? Do those exclusionary effects operate on a neo-colonial, racial and/or economic basis?
- Through what means is the EU able to consolidate its sovereignty and strategic autonomy on the international stage?
- What are the trade-offs and impacts of a common foreign policy at the EU level? What are the distributive effects of economic policies striving towards EU autonomy and independence?

Panel 3: Regulatory Autonomy and Sovereignty: Brussels Effect

Pairing its market size with its administrative and regulatory capabilities as well as a distinctly European proclivity for high levels of consumer and environmental protection, the EU has managed to exert its regulatory might beyond its own borders. Through the diffusion of its regulations on access regimes and uniform standards in EU markets, the EU has been able to or sought to harness market forces to 'Europeanise' of the global scene in areas such as data protection, consumer health and safety, environmental protection, intellectual property, antitrust, and hate speech on the Internet. A multi-perspective evaluation of this so-called 'Brussels Effect' is at the core of this panel. Predominantly against a private law background, this panel will discuss the extent to which the EU is able to take advantage of innovative tools like the Brussels Effect to expand its (market) sovereignty vis-à-vis global markets, transnational corporations and third countries. Possible questions could be:

- To what extent is the speed, accuracy, and novelty of EU regulation setting it apart on the global scale? What are the descriptive and normative drivers for extraterritorial regulatory authority?
- Through what means does the EU strive to achieve digital sovereignty? Are these goals achievable? Are the means suitable to the underlying issues posed by digital technologies and the digital market landscape?
- To what extent is the EU pioneering the regulation of sustainable energy production and consumption? What are the trade-offs of the regulatory choices? What are the incentives and impacts of industry lobbying efforts?

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- What are the externalities and tensions of conceptualizing the EU as a unilateral global regulator? Is EU regulation generally transposable to States outside the EU? What are the caveats?

Workshops

In addition to the panels, participants might (depending on demand) have the opportunity to register for two peer-to-peer workshops in the afternoon. One workshop offers the possibility to learn more about **interdisciplinary methods** and to discuss your own methodological struggles. Another workshop offers the possibility to discuss your **work-in-progress** (chapter, abstract etc) with other PhD students in a more private setting, as well as the **mental health dimension** of writing a PhD. **If you only want to participate in these workshop but not on a panel, please send us the abstract or chapter you want to discuss nevertheless, so that we can match you with another scholar.**

Guidelines

We invite early career researchers (PhD candidates and post-docs) to submit an abstract (max. 500 words) by **30 June 2023**. Please specify which panel or workshop in which you would like to participate. The sample questions for the panels are intended to serve as a guide, but are by no means meant to be exhaustive.

Please send your submissions to london.phdworkshop.rewi@hu-berlin.de with the subject 'PhD Summer Workshop London 2023'

Successful submissions for the panels will be contacted mid-June and are expected to submit a full paper (max. 8,000 words including footnotes) by **15 August 2023**. If there is a sufficient demand for the smaller peer-to-peer workshops to be held, the participants for those workshops will also be contacted and have to submit their works-in-progress (chapter, abstract, etc.) by 15 August 2023 as well. The full papers for the panels will be sent to established scholars for feedback during the conference.

Organisation

We cover the accommodation costs for panellists according to the German Travel Expenses Act. Further information will be offered at a later stage to the selected speakers.

Participation in the entire workshop is free of charge. General registration for the entire workshop will open in early summer 2023.

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